

REMARKS

Claims 1, 3-7, 9-15 and 46-54 are all the claims pending in the application.

The Advisory Action dated February 15, 2005 indicates that the Amendment filed January 4, 2004 was considered, but does not place the application in condition for allowance because:

The phrase ‘reception level data’ is not clearly defined by the specification. As best as the phrase can be interpreted, Barron et al. teaches comparing waveform features against predetermined values, which meets the claim language. Also claims in a pending application should be given their broadest reasonable interpretation (In re Pearson, 181 USPQ 641 (CCPA 1974)).

Advisory Action.

Essentially, the Examiner appears to be arguing in the Advisory Action that the “waveform features” of Barron et al. are broad enough to correspond to the “reception level data” of the present application. Applicant respectfully disagrees.

“Reception level data” is described in the instant specification as the output value of the ultrasonic transmission/reception circuit. *See page 26, lines 3-6 and FIGS. 3 and 7 of the present application.*

By contrast, Barron et al. relates to evaluating the waveform frequency content of an ultrasonic echo. *See col. 1, lines 40-65.* As described in lines 23-44 of col. 17, Barron’s test system receives an energy waveform from an object under test. A means responsive to the received waveform selects a portion of the received waveform. A selecting means selects a number points of the selected portion of the received waveform and processes the selected points to provide particular waveform features. These waveform features are compared with a known set of waveform features to provide characteristics of the object under test.

RESPONSE UNDER 37 C.F.R. § 1.114(c)
U. S. Application No. 09/214,865


There is no indication in Barron et al. that the selected portion of the received waveform or the selected number of points of the selected portion of the received waveform includes reception level data. Barron et al. is entirely ambiguous on this point. Moreover, the focus of Barron et al. is on evaluating the waveform frequency content of an ultrasonic echo, rather than a reception level. Thus, Applicant submits that there is no support for the Examiner's implicit assertion that the "waveform features" of Barron et al. correspond to the "reception level data" of the present application.

Applicant submits that the claims of the present application are allowable for the foregoing reasons, as well as the reasons described in the Amendment filed January 4, 2005.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Cameron W. Beddard
Registration No. 46,545

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: March 3, 2005